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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,360	03/16/2001	Eugene M. Wolf	EWLF-1230	7725

7590 12/16/2002

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EXAMINER

BLANCO, JAVIER G

ART UNIT

PAPER NUMBER

3738

DATE MAILED: 12/16/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Andrew Smith  
Gerry Ubau  
415-836-2500



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Commissioner of Patents and Trademarks

## DETAILED ACTION

### *Response to Election Requirement*

1. The reply (Response to Election Requirement) filed on October 9, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

From the response (Paper #12) to the prior Office Action (Election Requirement), it looks that the Applicant misunderstood the first paragraph from page 3 of the Office Action. From paragraph one, lines 1-2, Applicant is respectfully required to elect a single disclosed species, from each group of species, for prosecution.

Each of **Humeral Head**, **Fins**, **Cut humeral surface**, and **Guide** represents a group of species, and each of these groups of species comprises two or more distinct species. As an example of what Examiner is respectfully requesting:

#### **Humeral Head**

Species chosen: Species C (readable on claims...)

#### **Fins**

Species chosen: Species A (readable on claims...)

#### **Cut humeral surface**

Species chosen: Species B (readable on claims...)

#### **Guide**

Species chosen: Species B (readable on claims...)

Art Unit: 3738

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Since the application contains two Preliminary Amendments (Paper # 7 and Paper # 8) with amended claims, Examiner respectfully requests that the Applicant submits a clean copy of all pending claims to replace those currently filed.**

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 703-605-4259. The examiner can normally be reached on M-F (7:00 a.m.-4:30 p.m.), first Friday of the bi-week off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



JGB

December 12, 2002



David H. Willse  
Primary Examiner